UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,702	03/22/2004	Steven J. Winick	H0006502-0555 (17268)	8726

128   7590   04/01/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2139	

MAIL DATE	DELIVERY MODE
04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>11 March 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>112 rejection of claims 1, 10, 21 and 28.</u>

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139

Continuation of 3. NOTE: The Applicant has amended claim 1 from application 10/805,702 to include two new limitations. The first, "and, said control causes the network interface to communicate the response to the security system as an encrypted message using an encryption code that is unique to the electronic device", is moved up from claim 8 which is dependent on claim 1. The second, "wherein said message includes an address and an identifier associated with the electronic device and said control verifires that said electronic device is installed in an authorized network based upon said address and said identifier", is moved from independent claim 21 which is now cancelled. The change of dependency from independent claim 21 to independent claim 1 raises new issues that would require further search and consideration..

Continuation of 11. does NOT place the application in condition for allowance because: The change of dependency from independent claim 21 to independent claim 1 raises new issues that would require further search and consideration.   The Applicant argues in the response filed March 11, 2008 that the prior art does not teach "said control generates an alarm if said electronic device is not present, and, siad control causes the network interface to communicate the response to the security system as an encrypted message using an ecryption code that is unique to the electronic device; wherein said message includes an address and an identifier associated with the electronic device and said control verifies that said electronic device is installed in an authorized network based upon said address and said identifier; wherein said user interface is configured to allow a user to arm and disarm building intrusion detection features separately from security features of said LAN". This series of limitations is in claims 1 and 10 and the following response applies to both claims.
          The Examiner disagrees with the Applicant's arguments with respect to claims 1 and 10.
          Lau teaches and said control verifies that said electronic device is installed in an authorized network and generates an alarm if said electronic device not present, in paragraphs [0044]-[0046] through various examples. In paragraph [0044] an alarm sounds when there is a "loss of communication with the DED". This is interpreted by the Examiner as generating an alarm if the device is not present. In paragraph [0045] the device is used to monitor children and initiates "an alarm if the child is abducted or wanders away from the facility. The Examiner interprets that the monitored child is out of range and therefore is not present. In paragraph [0046] examples are given of the device alarming if prisoners escape. The Examiner interprets that the prisoner is not present. Each example includes a device on the user which alerts a monitoring station. The device is what is interpreted as said control in the claims.
          Nagel teaches the control causes the network interface to communicate the response to the security system as an encrypted message using an encryption code that is unique to the electronic device in Figure 4 and associated text, column 26 lines 32-55. Nagel teaches the user receiving the public key from the intermediary and then encrypting the plaintext message with the users unique private key and the public key. It would be obvious to one of ordinary skill in the art at the time of invention to add encryption security to the communications between the security system and the end device. The motivation is stated in Nagel column 5 lines 22-37.
          Nagel teaches wherein the message includes an address and an identifier associated with the electronic device. Figure 2 and associated text shows a user communicating through a intermediary (connection point) to a data repository (remote server) the identifier is the user private key and the address is described as either the logical address or the physical address as in column 8 lines 27-35.
          Alexander teaches wherein said user interface is configured to allow a user to arm and disarm a building intrusion detection features separately from security features of said LAN. Alexander column 8, under the heading "Arming Procedure-Home" states that the user needs to arm the system when he or she leaves the building. This is separate from the LAN security system described above, however it functions as an intrusion detection monitor for the physical building.
          The Applicant argues that Anderson discloses the use of an SNMP protocol which would not be usable for causing the network interface to communicate the response to the security system as a message with and address and identifier.
          The Examiner respectfully disagrees. Anderson paragraphs [0073] and [0074] teach, "These SNMP messages will generally contain information about specific elements and components of a device such as failure conditions, performance information, or other status of the various elements and components. The status request polling generally queries a device periodically in order to obtain similar conditions and status. Status request polling may be though SNMP communication, but may also be through other commonly used or custom means. Enterprise management applications allow for the customization of policy for these messages and polling returns." The SNMP would have to communicate the address and identifier to the security system to process the information about each device.
          The Applicant argues that Nagel does not teach "control causes the network to communicate the response to the security system as an encryption code that is unique to the electronic device"
          The Examiner respectfully disagrees. The Examiner cites the Applicants remarks page 11 paragraph 1 lines 9-11, "it is specifically provided in Nagel "the basic reason for public-key encryption system is to ensure both the security of the information transferred along a data line..." (Nagel, column 5, lines 27-29)." The Examiner agrees that the stated lines teach responding to the security system with an encryption code that is unique to the electronic device as used in the public-key system. The public-key system teaches both a public key and a private key, each are unique to specific electronic devices.
          Since the prior art of record teaches all limitations of the claims the rejection of the claims are maintained..